

HOUSE BILL NO. 471

INTRODUCED BY DARKO, KITSELMAN, REGAN, BULGER, KEATING,
HANSEN, WINSLOW, MILLER, DRISCOLL, PECK, VAUGHN, PISTORIA,
MILES, NISBET, THOMAS

IN THE HOUSE

JANUARY 26, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & LABOR.

JANUARY 28, 1987 ON MOTION BY CHIEF SPONSOR,
REPRESENTATIVES MILES, NISBET, AND
THOMAS ADDED AS SPONSORS.

FEBRUARY 9, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 10, 1987 PRINTING REPORT.

FEBRUARY 11, 1987 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 12, 1987 ENGROSSING REPORT.

FEBRUARY 13, 1987 THIRD READING, PASSED.
AYES, 76; NOES, 15.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 16, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON BUSINESS & INDUSTRY.

FEBRUARY 24, 1987 ON MOTION, REREFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE & SAFETY.

MARCH 12, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 17, 1987 SECOND READING, CONCURRED IN AS
AMENDED.

MARCH 19, 1987

THIRD READING, CONCURRED IN.
AYES, 36; NOES, 14.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 25, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

MARCH 26, 1987

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

MARCH 27, 1987

FREE CONFERENCE COMMITTEE REPORTED.

APRIL 7, 1987

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

APRIL 8, 1987

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 8, 1987

FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 9, 1987

SENT TO ENROLLING.

1 House BILL NO. 471
 2 INTRODUCED BY Darker Kibelmann, Barry Breyer, Steven Hansen, Wm. Miller, David Rask
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ^{through} ~~creation~~
 5 LICENSING AND REGULATION OF NUTRITIONISTS AND DIETITIANS BY
 6 THE BOARD OF MEDICAL EXAMINERS; ADDING A DIETITIAN TO THE
 7 BOARD OF MEDICAL EXAMINERS; AMENDING SECTION 2-15-1841, MCA;
 8 AND REPEALING SECTIONS 37-21-101, 37-21-201, 37-21-301,
 9 37-21-302, 37-21-405, AND 37-21-406, MCA."

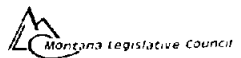
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Legislative finding and
 12 purpose. The legislature finds and declares that the
 13 practice of nutrition assessment, counseling, and education
 14 affects the public health, safety, and welfare. It is the
 15 purpose of [this act] to provide for the licensing and
 16 regulation of nutritionists and dietitians in order to
 17 protect the public health, safety, and welfare and to ensure
 18 that nutritional services of high quality are available to
 19 the people of Montana.

20 NEW SECTION. Section 2. Definitions. In [this act]
 21 the following definitions apply:

- 22 (1) "Board" means the board of medical examiners.
- 23 (2) "Commission" means the commission on dietetic
 24 registration, which is a member of the national commission
 25

- 1 for health certifying agencies.
- 2 (3) "Department" means the department of health and
 3 environmental sciences.
- 4 (4) "Dietetic practice" or "dietetics" is the
 5 integration and application of principles derived from the
 6 sciences of nutrition, biochemistry, physiology, and food
 7 management and from the behavioral and social sciences to
 8 achieve and maintain health. The primary function of
 9 dietetic practice is to provide nutrition assessment,
 10 nutrition counseling, and nutrition education.
- 11 (5) "Licensed dietitian" means a registered dietitian
 12 or a dietitian licensed under [this act].
- 13 (6) "Licensed nutritionist" means a nutritionist
 14 licensed under [this act].
- 15 (7) "Nutrition assessment" means the evaluation of
 16 nutritional needs of individuals and groups based on
 17 appropriate biochemical, anthropometric, physical, and
 18 dietary data in order to determine nutrient needs and to
 19 recommend appropriate nutritional intake, including both
 20 enteral and parenteral nutrition.
- 21 (8) "Nutrition counseling" means providing assistance
 22 and advice to individuals or groups in the selection of food
 23 and other sources of nutrients to achieve appropriate
 24 nutritional intake, based on:
 25 (a) the nutrition assessment;



1 (b) the composition of food and other sources of
2 nutrients; and

3 (c) meal preparation consistent with cultural
4 background and socioeconomic status.

5 (9) "Nutrition education" means the communication of
6 scientific food and nutrition information to individuals or
7 groups, including but not limited to information on:

8 (a) the most recent recommended dietary allowances
9 issued by the food and nutrition board, the national
10 research council, and the national academy of sciences;

11 (b) food sources and meal preparation consistent with
12 cultural background and socioeconomic status;

13 (c) the preservation of nutrients; and

14 (d) sanitation.

15 (10) "Registered dietitian" means a person who was
16 registered by the commission before [the effective date of
17 this act] and:

18 (a) has been granted, prior to October 1, 1983, the
19 right to use the term "registered dietitian" by an agency
20 authorized by the department to establish academic,
21 experience, and training qualifications for dietitians; or

22 (b) has received a baccalaureate or higher degree in
23 dietetics or a related field from a college or university
24 accredited by the Northwestern association of schools and
25 colleges and has satisfactorily completed:

1 (i) appropriate academic requirements for the field of
2 dietetics and related disciplines;

3 (ii) a program of supervised clinical experience, not
4 less than 6 months in length, that is designed to train
5 entry-level dietitians through instruction and assignments
6 in a clinical setting;

7 (iii) an examination for registered dietitians
8 administered by an agency authorized by the department to
9 establish academic, experience, and training qualifications
10 for dietitians; or

11 (iv) such continuing education requirements as may from
12 time to time be established by an agency authorized by the
13 department to establish academic, experience, and training
14 qualifications for dietitians.

15 NEW SECTION. Section 3. Scope of dietetic practice.
16 A licensed nutritionist or licensed dietitian provides the
17 following services:

18 (1) assessing the nutrition needs of individuals and
19 groups and determining resources and constraints in the
20 practice setting;

21 (2) establishing priorities and objectives that meet
22 nutritive needs and are consistent with available resources
23 and constraints;

24 (3) providing nutrition counseling for any individual;

25 (4) developing, implementing, and managing nutrition

1 care systems; and

2 (5) evaluating, adjusting, and maintaining appropriate
3 standards of quality in food and nutrition services.

4 NEW SECTION. Section 4. Licensing requirements. (1)

5 An applicant for licensure as a dietitian or a nutritionist
6 shall file a written application with the board and
7 demonstrate to the board that he:

8 (a) is a registered dietitian; or

9 (b) (i) has a baccalaureate degree from a regionally
10 accredited college or university in the United States, with
11 a major course of study in human nutrition, food and
12 nutrition, dietetics, or food systems management or a degree
13 from a college or university outside the United States and
14 its territories that has been validated as equivalent to a
15 baccalaureate degree from a regionally accredited college or
16 university in the United States with a major course of study
17 in human nutrition, food and nutrition, dietetics, or food
18 systems management;

19 (ii) has completed at least 900 continuous hours of
20 supervised preprofessional experience in dietetic practice;
21 and

22 (iii) is registered by the commission.

23 (2) An applicant who meets the requirements in
24 subsection (1) shall complete a written examination
25 administered by the commission.

1 (3) An applicant shall pay an application fee, set by
2 the board.

3 NEW SECTION. Section 5. Issuance of license --
4 effective date. (1) Upon successful completion of the
5 requirements in [section 4], an applicant must be issued a
6 license attesting to the date and fact of licensure.

7 (2) The license is effective on the date of issuance
8 and expires 1 year after that date.

9 NEW SECTION. Section 6. Exemptions from licensure
10 requirements. [This act] does not prevent:

11 (1) a student or intern in an approved academic
12 program or a paraprofessional with approved dietetic
13 training from engaging in the practice of dietetics if a
14 licensed dietitian is available for direct supervision and
15 if the student, intern, or paraprofessional does not
16 represent himself to the public as a dietitian or
17 nutritionist;

18 (2) a licensed physician or nurse from engaging in the
19 practice of dietetics when it is incidental to the practice
20 of his profession;

21 (3) a person licensed under any other law from
22 engaging in the profession or business for which he is
23 licensed if he does not represent himself to the public as a
24 dietitian or nutritionist;

25 (4) an educator or advisor employed by a nonprofit

1 agency acceptable to the board or by an accredited
2 degree-granting institution or a chartered elementary or
3 secondary school from engaging in an activity within the
4 scope of his salaried position;

5 (5) a person who has satisfactorily completed a
6 baccalaureate and master's or a doctoral degree in the field
7 of dietetics, food and nutrition, public health nutrition,
8 or food service management conferred by an accredited
9 college or university from engaging in the practice of
10 dietetics;

11 (6) a person employed by or under contract with an
12 agency of the state or federal government from discharging
13 his official duty if he does not represent himself to the
14 public as a dietitian or nutritionist;

15 (7) a person from marketing or distributing food
16 products, including dietary supplements recognized by the
17 United States food and drug administration, or from
18 educating customers in the use of these products if he does
19 not represent himself to the public as a dietitian or a
20 nutritionist;

21 (8) a person from furnishing general nutrition
22 information or disseminating literature if he does not
23 represent himself to the public as a dietitian or a
24 nutritionist; or

25 (9) a person from fulfilling state or federal

1 regulations governing the delivery or provision of
2 nutritional health services to hospitals or long-term care
3 facilities if he does not represent himself to the public as
4 a dietitian or a nutritionist.

5 NEW SECTION. Section 7. Representation to public as
6 dietitian or nutritionist -- limitation on use of title. No
7 person may represent himself to the public by any title,
8 sign, or advertisement or description of services as a
9 dietitian, a nutritionist, a licensed dietitian, or a
10 licensed nutritionist unless he has been licensed under
11 [this act].

12 NEW SECTION. Section 8. Reciprocity. A person
13 licensed to practice dietetics in another state with
14 licensing requirements equivalent to or more stringent than
15 those in [section 4] is entitled to a license to practice
16 dietetics in Montana.

17 NEW SECTION. Section 9. Renewal of license --
18 continuing education. (1) An application for renewal of
19 license must be made annually within 30 days after the
20 expiration of the existing license.

21 (2) A renewal license must be issued when the
22 applicant submits proof that requirements for continuing
23 education have been met and pays a renewal fee set by the
24 board commensurate with costs.

25 (3) An additional fee may be imposed on applications

1 for renewal received by the board more than 30 days after
2 the expiration of the existing license.

3 NEW SECTION. Section 10. Powers and duties of the
4 board. In addition to all other powers and duties conferred
5 and imposed on the board by [this act], the board shall:

6 (1) examine qualified applicants for a license to
7 practice dietetics, issue licenses to applicants who meet
8 the requirements established by [this act], and renew
9 licenses as provided in [section 9]; and

10 (2) adopt rules that set professional, practice, and
11 ethical standards for licensed dietitians and licensed
12 nutritionists and such other rules as may be necessary for
13 the administration of [this act].

14 NEW SECTION. Section 11. Grounds for revocation,
15 suspension, or refusal to renew license. The board may
16 impose a fine or probationary conditions, suspend or revoke
17 a license, or deny or refuse to renew a license if the
18 licensee or applicant has:

19 (1) obtained a license by means of fraud,
20 misrepresentation, or concealment of material facts;

21 (2) engaged in unprofessional conduct or gross
22 incompetence as defined by rule of the board;

23 (3) been convicted of a crime of moral turpitude or a
24 felony related to the practice of dietetics; or

25 (4) violated an order or rule of the board.

1 Section 12. Section 2-15-1841, MCA, is amended to
2 read:

3 "2-15-1841. Board of medical examiners. (1) There is a
4 Montana state board of medical examiners.

5 (2) The board consists of nine ten members appointed
6 by the governor with the consent of the senate. Appointments
7 made when the legislature is not in session may be confirmed
8 at the next session.

9 (3) The members are:

10 (a) five members having the degree of doctor of
11 medicine;

12 (b) one member having the degree of doctor of
13 osteopathy;

14 (c) one member who is a licensed podiatrist; and

15 (d) one member who is a registered dietitian; and

16 ~~(d)~~(e) two members of the general public who are not
17 medical practitioners.

18 (4) The members having the degree of doctor of
19 medicine may not be from the same county. Each member shall
20 be a citizen of the United States. Each member, except for
21 public members, shall have been licensed and shall have
22 practiced medicine or dietetics in this state for at least 5
23 years and shall have been a resident of this state for at
24 least 5 years.

25 (5) The member who is a registered dietitian may vote

1 only on issues that affect the licensure and regulation of
2 dietitians and nutritionists.

3 ~~(5)~~(6) Members shall serve staggered 4-year terms. A
4 term commences on September 1 of each year of appointment.
5 A member may, upon notice and hearing, be removed by the
6 governor for neglect of duty, incompetence, or
7 unprofessional or dishonorable conduct.

8 ~~(6)~~(7) The board is allocated to the department for
9 administrative purposes only as prescribed in 2-15-121."

10 NEW SECTION. Section 13. Repealer. Sections
11 37-21-101, 37-21-201, 37-21-301, 37-21-302, 37-21-405, and
12 37-21-406, MCA, are repealed.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB471, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for the licensing and regulation of nutritionists and dietitians by the Board of Medical Examiners.

ASSUMPTIONS:

1. One additional Board of Medical Examiners meeting will be held in FY88 to organize the program.
2. Existing Department of Commerce staff can handle the additional workload.
3. License fees will be \$45/year. Renewal fees will be \$20/year.
4. 190 licenses will be issued in FY88 and renewed in FY89.
5. One member will be added to the Board of Medical Examiners and will participate in three board meetings in the FY88 and two meetings in FY89.
6. No examinations will be developed or administered by the Board to determine licensure of nutritionists and dietitians.

FISCAL IMPACT:

	FY88			FY89			89 Biennium
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference	
<u>Additional Expenditures:</u>	\$ 0	\$ 8,129	\$ 8,129	\$ 0	\$ 3,149	\$ 3,149	\$ 11,278
<u>Additional Revenues:</u>							
License/Renewal Fees	\$ 0	\$ 8,550	\$ 8,550	\$ 0	\$ 3,800	\$ 3,800	\$ 12,350
<u>SSR Account Balance:</u>	\$ 0	\$ 421	\$ 421	\$ 0	\$ 651	\$ 651	\$ 1,072

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

None.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

Section 2, subsection (3), page 2, lines 2-3; Department of Commerce handles the Board of Medical Examiners, not the Department of Health.

David L. Hunter DATE 1/31/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Paula Darko DATE 2/2/87
 PAULA DARKO, PRIMARY SPONSOR

Fiscal Note for HB471, as introduced.

HB-471

APPROVED BY COMM. ON BUSINESS AND LABOR

HOUSE BILL NO. 471

INTRODUCED BY DARKO, KITSELMAN, REGAN, BULGER, KEATING, HANSEN, WINSLOW, MILLER, DRISCOLL, PECK, VAUGHN, PISTORIA, MILES, NISBET, THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE LICENSING AND REGULATION OF NUTRITIONISTS AND DIETITIANS BY THE BOARD OF MEDICAL EXAMINERS; ADDING A DIETITIAN NUTRITIONIST TO THE BOARD OF MEDICAL EXAMINERS; AMENDING SECTION 2-15-1841, MCA; AND REPEALING SECTIONS 37-21-1017, 37-21-2017, 37-21-3017, 37-21-3027, 37-21-4057, AND 37-21-4067, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Legislative finding and purpose. The legislature finds and declares that the practice of nutrition assessment, AND counseling, and education affects the public health, safety, and welfare. It is the purpose of [this act] to provide for the licensing and regulation of nutritionists and dietitians in order to protect the public health, safety, and welfare, and to ensure that nutritional services of high quality are available to the people of Montana, AND TO PROVIDE A MEANS OF IDENTIFYING THOSE QUALIFIED TO PRACTICE NUTRITION.

NEW SECTION. Section 2. Definitions. In [this act],

UNLESS THE CONTEXT REQUIRES OTHERWISE, the following definitions apply:

(1) "ACCREDITED" MEANS ACCREDITED THROUGH THE COUNCIL ON POSTSECONDARY ACCREDITATION OF THE U.S. DEPARTMENT OF EDUCATION.

(2) "Board" means the board of medical examiners.

(3) "Commission" means the commission on dietetic registration, which is a member of the national commission for health certifying agencies.

(4) "Department" means the department of health and environmental sciences COMMERCE.

(5) "Dietetic DIETETIC-NUTRITION practice" or "dietetics" is the integration and application of principles derived from the sciences of nutrition, biochemistry, physiology, and food management and from the behavioral and social sciences to achieve and maintain health. The primary function of dietetic DIETETIC-NUTRITION practice is to provide nutrition assessment, AND nutrition counseling, and nutrition education.

(6) "Licensed dietitian" means a registered dietitian or a dietitian licensed under [this act].

(7) "Licensed nutritionist" means a nutritionist licensed under [this act].

(8) "Nutrition assessment" means the evaluation of nutritional needs of individuals and groups based on



1 appropriate biochemical, anthropometric, physical, and
 2 dietary data in order to determine nutrient needs and to
 3 recommend appropriate nutritional intake, including both
 4 enteral and parenteral nutrition.

5 (8) "Nutrition counseling" means providing assistance
 6 and advice to individuals or groups in the selection of food
 7 and other sources of nutrients to achieve appropriate
 8 nutritional intake, based on:

- 9 (a) the nutrition assessment;
- 10 (b) the composition of food and other sources of
 11 nutrients; and
- 12 (c) meal preparation consistent with cultural
 13 background and socioeconomic status.

14 (9) "Nutrition education" means the communication of
 15 scientific food and nutrition information to individuals or
 16 groups, including but not limited to information on:

- 17 (a) the most recent recommended dietary allowances
 18 issued by the food and nutrition board, the national
 19 research council, and the national academy of sciences;
- 20 (b) food sources and meal preparation consistent with
 21 cultural background and socioeconomic status;
- 22 (c) the preservation of nutrients; and
- 23 (d) sanitation. "NUTRITIONIST" MEANS:

- 24 (A) A PERSON LICENSED UNDER [THIS ACT];
- 25 (B) A PERSON WHO HAS SATISFACTORILY COMPLETED A

1 BACCALAUREATE AND MASTER'S OR A DOCTORAL DEGREE IN THE FIELD
 2 OF DIETETICS, FOOD AND NUTRITION, OR PUBLIC HEALTH NUTRITION
 3 CONFERRED BY AN ACCREDITED COLLEGE OR UNIVERSITY; OR

4 (C) A PERSON REGISTERED BY THE COMMISSION.

5 (10) "Registered dietitian" means a person who was IS
 6 registered by the commission, before ~~the effective date of~~
 7 ~~this act~~ and:

- 8 (a) ~~has been granted, prior to October 17, 1983, the~~
 9 ~~right to use the term "registered dietitian" by an agency~~
 10 ~~authorized by the department to establish academic,~~
 11 ~~experience, and training qualifications for dietitians; or~~
 12 (b) ~~has received a baccalaureate or higher degree in~~
 13 ~~dietetics or a related field from a college or university~~
 14 ~~accredited by the Northwestern association of schools and~~
 15 ~~colleges and has satisfactorily completed:~~

- 16 (i) ~~appropriate academic requirements for the field of~~
 17 ~~dietetics and related disciplines;~~
- 18 (ii) ~~a program of supervised clinical experience, not~~
 19 ~~less than 6 months in length, that is designed to train~~
 20 ~~entry-level dietitians through instruction and assignments~~
 21 ~~in a clinical setting;~~
- 22 (iii) ~~an examination for registered dietitians~~
 23 ~~administered by an agency authorized by the department to~~
 24 ~~establish academic, experience, and training qualifications~~
 25 ~~for dietitians; or~~

~~(iv) such continuing education requirements as may from time to time be established by an agency authorized by the department to establish academic experience and training qualifications for dietitians.~~

NEW SECTION. Section 3. Scope of dietetic DIETETIC-NUTRITION practice. ~~A licensed ONLY A~~ nutritionist ~~or licensed dietitian provides~~ CAN PROVIDE the following services:

(1) assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting;

(2) establishing priorities and objectives that meet nutritive needs and are consistent with available resources and constraints;

(3) providing nutrition counseling for any individual;

(4) developing, implementing, and managing nutrition care systems; and

(5) evaluating, adjusting, and maintaining appropriate standards of quality in food and nutrition services.

NEW SECTION. Section 4. Licensing requirements. (1) An applicant for licensure as a ~~dietitian or a~~ LICENSED nutritionist shall file a written application with the board and demonstrate to the board that he:

(a) is a registered dietitian BY THE COMMISSION; or

(b) (i) has a baccalaureate degree from ~~a regionally~~

AN accredited college or university in the United States, with a major course of study in human nutrition, food and nutrition, OR dietetics, or ~~food systems management or~~ a degree from a college or university outside the United States and its territories that has been validated as equivalent to a baccalaureate degree from ~~a regionally~~ AN accredited college or university in the United States with a major course of study in human nutrition, food and nutrition, OR dietetics, ~~or food systems management;~~ AND

(ii) has completed at least 900 continuous hours of supervised preprofessional experience in dietetic practice; and

~~(iii) is registered by the commission.~~

(2) An applicant who meets the requirements in subsection (1) (B) shall complete a written examination administered by the commission.

(3) An applicant shall pay an application fee, set by the board.

NEW SECTION. Section 5. Issuance of license -- effective date. (1) Upon successful completion of the requirements in [section 4], an applicant must be issued a license attesting to the date and fact of licensure.

(2) The license is effective on the date of issuance and expires 1 year after that date.

NEW SECTION. Section 6. Exemptions from licensure

1 requirements. [This act] does not prevent:

2 (1) a student or intern in an approved academic
3 program or a paraprofessional with approved dietetic
4 DIETETIC-NUTRITION training from engaging in the practice of
5 dietetics DIETETICS-NUTRITION if a licensed dietitian
6 NUTRITIONIST is available for direct supervision and if the
7 student, intern, or paraprofessional does not represent
8 himself to the public as a dietitian or nutritionist;

9 (2) a licensed physician or nurse from engaging in the
10 practice of dietetics DIETETICS-NUTRITION when it is
11 incidental to the practice of his profession;

12 (3) a person licensed under any other law from
13 engaging in the profession or business for which he is
14 licensed if he does not represent himself to the public as a
15 dietitian-or nutritionist;

16 (4) an educator or advisor employed by a nonprofit
17 agency acceptable to the board or by an accredited
18 degree-granting institution or a chartered elementary or
19 secondary school from engaging in an activity within the
20 scope of his salaried position;

21 (5) a person who has satisfactorily completed a
22 baccalaureate and master's or a doctoral degree in the field
23 of dietetics, food and nutrition, OR public health
24 nutrition~~7--or--food--service--management~~ conferred by an
25 accredited college or university from engaging in the

1 practice of dietetics DIETETICS-NUTRITION;

2 (6) a person employed by or under contract with an
3 agency of the state or federal government from discharging
4 his official duty if he does not represent himself to the
5 public as a dietitian or nutritionist;

6 (7) a person from ~~marketing--or--distributing--food~~
7 ~~products--including--dietary--supplements--recognized--by--the~~
8 ~~United--States--food--and--drug--administration;--or--from~~
9 ~~educating--customers--in--the--use--of--these--products~~ FURNISHING
10 GENERAL NUTRITIONAL INFORMATION, INCLUDING DISSEMINATION OF
11 LITERATURE, AS TO THE USE OF FOOD, FOOD MATERIALS, OR
12 DIETARY SUPPLEMENTS OR FROM ENGAGING IN THE EXPLANATION AS
13 TO THE USE OF FOODS OR FOOD PRODUCTS, INCLUDING DIETARY
14 SUPPLEMENTS, IN CONNECTION WITH THE MARKETING AND
15 DISTRIBUTION OF THOSE PRODUCTS if he does not represent
16 himself to the public as a dietitian or a nutritionist;

17 (8) a person from furnishing general nutrition
18 information or disseminating literature if he does not
19 represent himself to the public as a dietitian or a
20 nutritionist; or

21 (9) a person from fulfilling state or federal
22 regulations governing the delivery or provision of
23 nutritional health services to hospitals or long-term care
24 facilities if he does not represent himself to the public as
25 a-dietitian-or a nutritionist.

1 NEW SECTION. Section 7. Representation to public as
 2 ~~dietitian--or~~ nutritionist -- limitation on use of title. No
 3 person may represent himself to the public by any title,
 4 sign, or advertisement or description of services as a
 5 ~~dietitian;--a~~ nutritionist; ~~--a--licensed--dietitian;~~ or a
 6 licensed nutritionist unless he has been licensed under
 7 [this act] OR EXEMPTED FROM LICENSURE AS DEFINED IN [SECTION
 8 6(5)].

9 NEW SECTION. Section 8. Reciprocity. A person
 10 licensed to practice dietetics DIETETICS-NUTRITION in
 11 another state with licensing requirements equivalent to or
 12 more stringent than those in [section 4] is entitled to a
 13 license to practice dietetics DIETETICS-NUTRITION in
 14 Montana.

15 NEW SECTION. Section 9. Renewal of license --
 16 continuing education. (1) An application for renewal of
 17 license must be made annually within 30 days after the
 18 expiration of the existing license.

19 (2) A renewal license must be issued when the
 20 applicant submits proof that requirements for continuing
 21 education have been met and pays a renewal fee set by the
 22 board commensurate with costs.

23 (3) An additional fee may be imposed on applications
 24 for renewal received by the board more than 30 days after
 25 the expiration of the existing license.

1 NEW SECTION. Section 10. Powers and duties of the
 2 board. In addition to all other powers and duties conferred
 3 and imposed on the board by [this act], the board shall:

4 (1) examine qualified applicants for a license to
 5 practice dietetics DIETETICS-NUTRITION, issue licenses to
 6 applicants who meet the requirements established by [this
 7 act], and renew licenses as provided in [section 9]; and

8 (2) adopt rules that set professional, practice, and
 9 ethical standards for ~~licensed--dietitians--and~~ licensed
 10 nutritionists and such other rules as may be necessary for
 11 the administration of [this act].

12 NEW SECTION. Section 11. Grounds for revocation,
 13 suspension, or refusal to renew license. The board may
 14 impose a fine or probationary conditions, suspend or revoke
 15 a license, or deny or refuse to renew a license if the
 16 licensee or applicant has:

17 (1) obtained a license by means of fraud,
 18 misrepresentation, or concealment of material facts;

19 (2) engaged in unprofessional conduct or gross
 20 incompetence as defined by rule of the board;

21 (3) been convicted of a crime of moral turpitude or a
 22 felony related to the practice of dietetics; or

23 (4) violated an order or rule of the board.

24 Section 12. Section 2-15-1841, MCA, is amended to
 25 read:

1 "2-15-1841. Board of medical examiners. (1) There is a
2 Montana state board of medical examiners.

3 (2) The board consists of ~~nine~~ ten members appointed
4 by the governor with the consent of the senate. Appointments
5 made when the legislature is not in session may be confirmed
6 at the next session.

7 (3) The members are:

8 (a) five members having the degree of doctor of
9 medicine;

10 (b) one member having the degree of doctor of
11 osteopathy;

12 (c) one member who is a licensed podiatrist; and

13 (d) one member who is a registered-dietitian LICENSED
14 NUTRITIONIST; and

15 (d)(e) two members of the general public who are not
16 medical practitioners.

17 (4) The members having the degree of doctor of
18 medicine may not be from the same county. Each member shall
19 be a citizen of the United States. Each member, except for
20 public members, shall have been licensed and shall have
21 practiced medicine or dietetics DIETETICS-NUTRITION in this
22 state for at least 5 years and shall have been a resident of
23 this state for at least 5 years.

24 (5) The member who is a registered-dietitian LICENSED
25 NUTRITIONIST may vote only on issues that affect the

1 licensure and regulation of ~~dietitians-and~~ nutritionists.

2 (5)(6) Members shall serve ~~staggered~~ 4-year terms. A
3 term commences on September 1 of each year of appointment.
4 A member may, upon notice and hearing, be removed by the
5 governor for neglect of duty, incompetence, or
6 unprofessional or dishonorable conduct.

7 (6)(7) The board is allocated to the department for
8 administrative purposes only as prescribed in 2-15-121."

9 NEW-SECTION--Section-13--Repealer-----Sections
10 37-21-1017--37-21-2017--37-21-3017-37-21-3027-37-21-4057-and
11 37-21-4067-MCA7-are-repealed;

-End-

1 ~~a-dietitian-or~~ a nutritionist.

2 NEW SECTION. Section 7. Representation to public as
 3 ~~dietitian-or~~ nutritionist -- limitation on use of title. No
 4 person may represent himself to the public by any title,
 5 sign, or advertisement or description of services as a
 6 ~~dietitian,-a nutritionist,-a--licensed--dietitian,~~ or a
 7 licensed nutritionist unless he has been licensed under
 8 [this act] OR EXEMPTED FROM LICENSURE AS DEFINED IN [SECTION
 9 6(5)].

10 NEW SECTION. Section 8. Reciprocity. A person
 11 licensed to practice dietetics DIETETICS-NUTRITION in
 12 another state with licensing requirements equivalent to or
 13 more stringent than those in [section 4] is entitled to a
 14 license to practice dietetics DIETETICS-NUTRITION in
 15 Montana.

16 NEW SECTION. Section 9. Renewal of license --
 17 continuing education. (1) An application for renewal of
 18 license must be made annually within 30 days after the
 19 expiration of the existing license.

20 (2) A renewal license must be issued when the
 21 applicant submits proof that requirements for continuing
 22 education have been met and pays a renewal fee set by the
 23 board commensurate with costs.

24 (3) An additional fee may be imposed on applications
 25 for renewal received by the board more than 30 days after

1 the expiration of the existing license.

2 NEW SECTION. Section 10. Powers and duties of the
 3 board. In addition to all other powers and duties conferred
 4 and imposed on the board by [this act], the board shall:

5 (1) examine qualified applicants for a license to
 6 practice dietetics DIETETICS-NUTRITION, issue licenses to
 7 applicants who meet the requirements established by [this
 8 act], and renew licenses as provided in [section 9]; and

9 (2) adopt rules that set professional, practice, and
 10 ethical standards for ~~licensed--dietitians--and~~ licensed
 11 nutritionists and such other rules as may be necessary for
 12 the administration of [this act].

13 NEW SECTION. Section 11. Grounds for revocation,
 14 suspension, or refusal to renew license. The board may
 15 impose a fine or probationary conditions, suspend or revoke
 16 a license, or deny or refuse to renew a license if the
 17 licensee or applicant has:

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 19 misrepresentation, or concealment of material facts;

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 21 incompetence as defined by rule of the board;

22 (3) been convicted of a crime of moral turpitude or a
 23 felony related to the practice of dietetics
 24 DIETETICS-NUTRITION; or

25 (4) violated an order or rule of the board.

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7 made when the legislature is not in session may be confirmed
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14 (c) one member who is a licensed podiatrist; and

15 (d) one member who is a registered-dietitian LICENSED
16 NUTRITIONIST; and

17 (d)(e) two members of the general public who are not
18 medical practitioners.

19 (4) The members having the degree of doctor of
20 medicine may not be from the same county. Each member shall
21 be a citizen of the United States. Each member, except for
22 public members, shall have been licensed and shall have
23 practiced medicine or dietetics ~~DIETETICS-NUTRITION~~ in this
24 state for at least 5 years and shall have been a resident of
25 this state for at least 5 years.

1 (5) The member who is a registered-dietitian LICENSED
2 NUTRITIONIST may vote only on issues that affect the
3 licensure and regulation of dietitians-and nutritionists.

4 ~~(5)~~(6) Members shall serve staggered 4-year terms. A
5 term commences on September 1 of each year of appointment.
6 A member may, upon notice and hearing, be removed by the
7 governor for neglect of duty, incompetence, or
8 unprofessional or dishonorable conduct.

9 ~~(6)~~(7) The board is allocated to the department for
10 administrative purposes only as prescribed in 2-15-121."

11 ~~NEW-SECTION:--Section-13--Repealer:-----Sections~~
12 ~~37-21-1017--37-21-2017--37-21-3017-37-21-3027-37-21-4057-and~~
13 ~~37-21-4067-MCA-are-repealed:~~

-End-

1 HOUSE BILL NO. 471
 2 INTRODUCED BY DARKO, KITSELMAN, REGAN, BULGER, KEATING,
 3 HANSEN, WINSLOW, MILLER, DRISCOLL, PECK, VAUGHN, PISTORIA,
 4 MILES, NISBET, THOMAS
 5

6 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
 7 LICENSING AND REGULATION OF NUTRITIONISTS AND DIETITIANS BY
 8 THE BOARD OF MEDICAL EXAMINERS; ADDING A DIETITIAN
 9 NUTRITIONIST TO THE BOARD OF MEDICAL EXAMINERS; AMENDING
 10 SECTION 2-15-1841, MCA, ~~AND REPEALING SECTIONS 37-21-101,~~
 11 ~~37-21-201, 37-21-301, 37-21-302, 37-21-405, AND 37-21-406,~~
 12 MCA."
 13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 NEW SECTION. Section 1. Legislative finding and
 16 purpose. The legislature finds and declares that the
 17 practice of nutrition assessment, AND counseling, ~~and~~
 18 ~~education~~ affects the public health, safety, and welfare. It
 19 is the purpose of [this act] to provide for the licensing
 20 and regulation of nutritionists ~~and dietitians~~ in order to
 21 protect the public health, safety, and welfare, and to
 22 ensure that nutritional services of high quality are
 23 available to the people of Montana, AND TO PROVIDE A MEANS
 24 OF IDENTIFYING THOSE QUALIFIED TO PRACTICE NUTRITION.

25 NEW SECTION. Section 2. Definitions. In [this act],

1 UNLESS THE CONTEXT REQUIRES OTHERWISE, the following
 2 definitions apply:

3 (1) "ACCREDITED" MEANS ACCREDITED THROUGH THE COUNCIL
 4 ON POSTSECONDARY ACCREDITATION OF THE U.S. DEPARTMENT OF
 5 EDUCATION.

6 ~~(1)~~(2) "Board" means the board of medical examiners.
 7 ~~(2)~~(3) "Commission" means the commission on dietetic
 8 registration, which is a member of the national commission
 9 for health certifying agencies.

10 ~~(3)~~(4) "Department" means the department of health ~~and~~
 11 ~~environmental sciences~~ COMMERCE.

12 ~~(4)~~(5) "Dietetic DIETETIC-NUTRITION practice" or
 13 "dietetics" "DIETETICS-NUTRITION" is the integration and
 14 application of principles derived from the sciences of
 15 nutrition, biochemistry, physiology, and food management and
 16 from the behavioral and social sciences to achieve and
 17 maintain health. The primary function of dietetic
 18 DIETETIC-NUTRITION practice is to provide nutrition
 19 assessment, AND nutrition counseling, ~~and~~ nutrition
 20 education.

21 ~~(5)~~ "Licensed dietitian" means a registered ~~dietitian~~
 22 ~~or a dietitian licensed under [this act].~~

23 (6) "Licensed nutritionist" means a nutritionist
 24 licensed under [this act].

25 (7) "Nutrition assessment" means the evaluation of



1 nutritional needs of individuals and groups based on
 2 appropriate biochemical, anthropometric, physical, and
 3 dietary data in order to determine nutrient needs and to
 4 recommend appropriate nutritional intake, including both
 5 enteral and parenteral nutrition.

6 (8) "Nutrition counseling" means providing assistance
 7 and advice to individuals or groups in the selection of food
 8 and other sources of nutrients to achieve appropriate
 9 nutritional intake, based on:

- 10 (a) the nutrition assessment;
- 11 (b) the composition of food and other sources of
- 12 nutrients; and
- 13 (c) meal preparation consistent with cultural
- 14 background and socioeconomic status.

15 (9) "Nutrition education" means the communication of
 16 scientific food and nutrition information to individuals or
 17 groups, including but not limited to information on:

- 18 (a) the most recent recommended dietary allowances
- 19 issued by the food and nutrition board, the national
- 20 research council, and the national academy of sciences;
- 21 (b) food sources and meal preparation consistent with
- 22 cultural background and socioeconomic status;
- 23 (c) the preservation of nutrients; and
- 24 (d) sanitation. "NUTRITIONIST" MEANS:

25 (A) A PERSON LICENSED UNDER [THIS ACT];

1 (B) A PERSON WHO HAS SATISFACTORILY COMPLETED A
 2 BACCALAUREATE AND MASTER'S OR A DOCTORAL DEGREE IN THE FIELD
 3 OF DIETETICS, FOOD AND NUTRITION, OR PUBLIC HEALTH NUTRITION
 4 CONFERRED BY AN ACCREDITED COLLEGE OR UNIVERSITY; OR

5 (C) A PERSON REGISTERED BY THE COMMISSION.

6 (10) "Registered dietitian" means a person who was IS
 7 registered by the commission, ~~before the effective date of~~
 8 ~~this act~~ and:

- 9 (a) ~~has been granted prior to October 1, 1983, the~~
- 10 ~~right to use the term "registered dietitian" by an agency~~
- 11 ~~authorized by the department to establish academic,~~
- 12 ~~experience, and training qualifications for dietitians; or~~
- 13 (b) ~~has received a baccalaureate or higher degree in~~
- 14 ~~dietetics or a related field from a college or university~~
- 15 ~~accredited by the Northwestern Association of Schools and~~
- 16 ~~colleges and has satisfactorily completed:~~

- 17 (i) ~~appropriate academic requirements for the field of~~
- 18 ~~dietetics and related disciplines;~~
- 19 (ii) ~~a program of supervised clinical experience, not~~
- 20 ~~less than 6 months in length, that is designed to train~~
- 21 ~~entry-level dietitians through instruction and assignments~~
- 22 ~~in a clinical setting;~~
- 23 (iii) ~~an examination for registered dietitians~~
- 24 ~~administered by an agency authorized by the department to~~
- 25 ~~establish academic, experience, and training qualifications~~

1 ~~for dietitians; or~~
 2 ~~(iv) such continuing education requirements as may from~~
 3 ~~time to time be established by an agency authorized by the~~
 4 ~~department to establish academic, experience, and training~~
 5 ~~qualifications for dietitians.~~

6 NEW SECTION. Section 3. Scope of dietetic
 7 DIETETIC-NUTRITION practice. A licensed ONLY A nutritionist
 8 ~~or licensed dietitian provides~~ CAN PROVIDE the following
 9 services:

- 10 (1) assessing the nutrition needs of individuals and
- 11 groups and determining resources and constraints in the
- 12 practice setting;
- 13 (2) establishing priorities and objectives that meet
- 14 nutritive needs and are consistent with available resources
- 15 and constraints;
- 16 (3) providing nutrition counseling for any individual;
- 17 (4) developing, implementing, and managing nutrition
- 18 care systems; and
- 19 (5) evaluating, adjusting, and maintaining appropriate
- 20 standards of quality in food and nutrition services.

21 NEW SECTION. Section 4. Licensing requirements. (1)
 22 An applicant for licensure as a dietitian or a LICENSED
 23 nutritionist shall file a written application with the board
 24 and demonstrate to the board that he:

- 25 (a) is a registered dietitian BY THE COMMISSION; or

1 (b) (i) has a baccalaureate degree from a ~~regionally~~
 2 AN accredited college or university in the United States,
 3 with a major course of study in human nutrition, food and
 4 nutrition, OR dietetics, or ~~food systems management or a~~
 5 degree from a college or university outside the United
 6 States and its territories that has been validated as
 7 equivalent to a baccalaureate degree from a ~~regionally~~ AN
 8 accredited college or university in the United States with a
 9 major course of study in human nutrition, food and
 10 nutrition, OR dietetics, ~~or food systems management; AND~~

11 (ii) has completed at least 900 continuous hours of
 12 supervised preprofessional experience in dietetic practice;
 13 and

14 ~~(iii) is registered by the commission.~~

15 (2) An applicant who meets the requirements in
 16 subsection (1) (B) shall complete a written examination
 17 administered by the commission.

18 (3) An applicant shall pay an application fee, set by
 19 the board.

20 NEW SECTION. Section 5. Issuance of license --
 21 effective date. (1) Upon successful completion of the
 22 requirements in [section 4], an applicant must be issued a
 23 license attesting to the date and fact of licensure.

24 (2) The license is effective on the date of issuance
 25 and expires 1 year after that date.

1 NEW SECTION. Section 6. Exemptions from licensure
2 requirements. [This act] does not prevent:

3 (1) a student or intern in an approved academic
4 program or a paraprofessional with approved dietetic
5 DIETETIC-NUTRITION training from engaging in the practice of
6 dietetics DIETETICS-NUTRITION if a licensed dietitian
7 NUTRITIONIST is available for direct supervision and if the
8 student, intern, or paraprofessional does not represent
9 himself to the public as a dietitian-or nutritionist;

10 (2) a licensed physician or nurse from engaging in the
11 practice of dietetics DIETETICS-NUTRITION when it is
12 incidental to the practice of his profession;

13 (3) a person licensed under any other law from
14 engaging in the profession or business for which he is
15 licensed if he does not represent himself to the public as a
16 dietitian-or nutritionist;

17 (4) an educator or advisor employed by a nonprofit
18 agency acceptable to the board or by an accredited
19 degree-granting institution or a chartered elementary or
20 secondary school from engaging in an activity within the
21 scope of his salaried position;

22 (5) a person who has satisfactorily completed a
23 baccalaureate and master's or a doctoral degree in the field
24 of dietetics, food and nutrition, OR public health
25 nutrition,~~or food service management~~ conferred by an

1 accredited college or university from engaging in the
2 practice of dietetics DIETETICS-NUTRITION;

3 (6) a person employed by or under contract with an
4 agency of the state or federal government from discharging
5 his official duty if he does not represent himself to the
6 public as a dietitian-or nutritionist;

7 (7) a person from ~~marketing or distributing food~~
8 ~~products, including dietary supplements recognized by the~~
9 ~~United States food and drug administration, or from~~
10 ~~educating customers in the use of these products~~ FURNISHING
11 GENERAL NUTRITIONAL INFORMATION, INCLUDING DISSEMINATION OF
12 LITERATURE, AS TO THE USE OF FOOD, FOOD MATERIALS, OR
13 DIETARY SUPPLEMENTS OR FROM ENGAGING IN THE EXPLANATION AS
14 TO THE USE OF FOODS OR FOOD PRODUCTS, INCLUDING DIETARY
15 SUPPLEMENTS, IN CONNECTION WITH THE MARKETING AND
16 DISTRIBUTION OF THOSE PRODUCTS if he does not represent
17 himself to the public as a dietitian or a nutritionist;

18 (8) a person from furnishing general nutrition
19 information or disseminating literature if he does not
20 represent himself to the public as a dietitian or a
21 nutritionist; or

22 (9) a person from fulfilling state or federal
23 regulations governing the delivery or provision of
24 nutritional health services to hospitals or long-term care
25 facilities if he does not represent himself to the public as

HOUSE BILL NO. 471

INTRODUCED BY DARKO, KITSELMAN, REGAN, BULGER, KEATING,
HANSEN, WINSLOW, MILLER, DRISCOLL, PECK, VAUGHN, PISTORIA,
MILES, NISBET, THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
LICENSING AND REGULATION OF NUTRITIONISTS AND DIETITIANS BY
THE BOARD OF MEDICAL EXAMINERS; ADDING A DIETITIAN
NUTRITIONIST TO THE BOARD OF MEDICAL EXAMINERS; AMENDING
SECTION 2-15-1841, MCA; AND REPEALING SECTIONS 37-21-101,
37-21-201, 37-21-301, 37-21-302, 37-21-405, AND 37-21-406,
MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Legislative finding and
purpose. The legislature finds and declares that the
practice of nutrition assessment, AND counseling, and
education affects the public health, safety, and welfare. It
is the purpose of [this act] to provide for the licensing
and regulation of nutritionists and dietitians in order to
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ensure that nutritional services of high quality are
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OF IDENTIFYING THOSE QUALIFIED TO PRACTICE NUTRITION.

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UNLESS THE CONTEXT REQUIRES OTHERWISE, the following
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EDUCATION.

(2) "Board" means the board of medical examiners.

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registration, which is a member of the national commission
for health certifying agencies.

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environmental sciences COMMERCE.

(5) "Dietetic DIETETIC-NUTRITION practice" or
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nutrition, biochemistry, physiology, and food management and
from the behavioral and social sciences to achieve and
maintain health. The primary function of dietetic
DIETETIC-NUTRITION practice is to provide nutrition
assessment, AND nutrition counseling, and nutrition
education.

(5) -- "licensed dietitian" means a registered dietitian
or a dietitian licensed under [this act].

(6) "GENERAL NUTRITIONAL INFORMATION" MEANS
INFORMATION ON:

(A) PRINCIPLES OF GOOD NUTRITION;

- 1 (B) FOODS TO BE INCLUDED IN A DAILY DIET;
- 2 (C) THE ESSENTIAL NUTRIENTS NEEDED BY THE BODY;
- 3 (D) RECOMMENDED AMOUNTS OF THESE NUTRIENTS;
- 4 (E) THE ACTION OF THESE NUTRIENTS ON THE BODY;
- 5 (F) THE EFFECTS OF DEFICIENCIES IN THESE NUTRIENTS; OR
- 6 (G) FOODS AND SUPPLEMENTS THAT ARE GOOD SOURCES OF
- 7 ESSENTIAL NUTRIENTS.

8 {6}(7) "Licensed nutritionist" means a nutritionist
 9 licensed under [this act].

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 11 nutritional needs of individuals and groups based on
 12 appropriate biochemical, anthropometric, physical, and
 13 dietary data in order to determine nutrient needs and to
 14 recommend appropriate nutritional intake, including both
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 17 assistance and advice to individuals or groups in the
 18 selection of food and other sources of nutrients to achieve
 19 appropriate nutritional intake, based on:

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- 22 nutrients; and
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- 24 background and socioeconomic status.

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1 of scientific food and nutrition information to individuals
 2 or groups, including but not limited to information on:
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 4 issued by the food and nutrition board, the national
 5 research council, and the national academy of sciences;
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- 13 OF DIETETICS, FOOD AND NUTRITION, OR PUBLIC HEALTH NUTRITION
- 14 CONFERRED BY AN ACCREDITED COLLEGE OR UNIVERSITY; OR
- 15 (C) A PERSON REGISTERED BY THE COMMISSION.

16 {10}(11) "Registered dietitian" means a person who was
 17 IS registered by the commission, before {the effective date
 18 of this act} and:

- 19 (a) has been granted, prior to October 17, 1983, the
 20 right to use the term "registered dietitian" by an agency
 21 authorized by the department to establish academic
 22 experience and training qualifications for dietitians; or
 23 (b) has received a baccalaureate or higher degree in
 24 dietetics or a related field from a college or university
 25 accredited by the Northwestern association of schools and

1 colleges-and-has-satisfactorily-completed;

2 {i}-appropriate-academic-requirements-for-the-field-of

3 dietetics-and-related-disciplines;

4 {ii}-a-program-of-supervised-clinical-experience,-not

5 less-than-6-months-in-length,-that-is-designed-to-train

6 entry-level-dietitians-through-instruction-and-assignments

7 in-a-clinical-setting;

8 {iii}-an-examination-for-registered-dietitians

9 administered-by-an-agency-authorized-by-the-department-to

10 establish-academic,-experience,-and-training-qualifications

11 for-dietitians;-or

12 {iv}-such-continuing-education-requirements-as-may-from

13 time-to-time-be-established-by-an-agency-authorized-by-the

14 department-to-establish-academic,-experience,-and-training

15 qualifications-for-dietitians-

16 NEW SECTION. Section 3. Scope of dietetic

17 DIETETIC-NUTRITION practice. A-licensed ONLY A nutritionist

18 or-licensed-dietitian-provides CAN PROVIDE the following

19 services:

- 20 (1) assessing the nutrition needs of individuals and
- 21 groups and determining resources and constraints in the
- 22 practice setting;
- 23 (2) establishing priorities and objectives that meet
- 24 nutritive needs and are consistent with available resources
- 25 and constraints;

- 1 (3) providing nutrition counseling for any individual;
- 2 (4) developing, implementing, and managing nutrition
- 3 care systems; and
- 4 (5) evaluating, adjusting, and maintaining appropriate
- 5 standards of quality in food and nutrition services.

6 NEW SECTION. Section 4. Licensing requirements. (1)

7 An applicant for licensure as a dietitian-or-a LICENSED

8 nutritionist shall file a written application with the board

9 and demonstrate to the board that he:

- 10 {a} is a registered dietitian BY THE COMMISSION;-or,
- 11 {b}-{i}-has-a-baccalaureate-degree-from-a-regionally
- 12 AN accredited-college-or-university-in-the-United-States,
- 13 with-a-major-course-of-study-in-human-nutrition,-food-and
- 14 nutrition, OR dietetics,-or-food-systems-management-or-a
- 15 degree-from-a-college-or-university-outside-the-United
- 16 States-and-its-territories-that-has-been-validated-as
- 17 equivalent-to-a-baccalaureate-degree-from-a-regionally AN
- 18 accredited-college-or-university-in-the-United-States-with-a
- 19 major-course-of-study-in-human-nutrition,-food-and
- 20 nutrition, OR dietetics,-or-food-systems-management, AND

- 21 {ii}-has-completed-at-least-900-continuous-hours-of
- 22 supervised-preprofessional-experience-in-dietetic-practice,
- 23 and
- 24 {iii}-is-registered-by-the-commission-
- 25 {2}-An-applicant-who-meets-the-requirements-in

~~subsection (1)(B) shall complete a written examination administered by the commission.~~

~~(2) An applicant shall pay an application fee, set by the board.~~

NEW SECTION. Section 5. Issuance of license -- effective date. (1) Upon successful completion of the requirements in [section 4], an applicant must be issued a license attesting to the date and fact of licensure.

(2) The license is effective on the date of issuance and expires 1 year after that date.

NEW SECTION. Section 6. Exemptions from licensure requirements. [This act] does not prevent:

(1) a student or intern in an approved academic program or a paraprofessional with approved DIETETIC-NUTRITION training from engaging in the practice of DIETETICS DIETETICS-NUTRITION if a licensed DIETITIAN NUTRITIONIST is available for direct supervision and if the student, intern, or paraprofessional does not represent himself to the public as a DIETITIAN-OR nutritionist;

(2) a licensed physician or nurse from engaging in the practice of DIETETICS DIETETICS-NUTRITION when it is incidental to the practice of his profession;

(3) a person licensed under any other law from engaging in the profession or business for which he is licensed if he does not represent himself to the public as a

DIETITIAN-OR nutritionist;

(4) an educator or advisor employed by a nonprofit agency acceptable to the board or by an accredited degree-granting institution or a ~~chartered~~ AN ACCREDITED elementary or secondary school from engaging in an activity within the scope of his salaried position;

~~(5) a person who has satisfactorily completed a baccalaureate and master's or a doctoral degree in the field of dietetics, food and nutrition, OR public health nutrition, or food service management conferred by an accredited college or university from engaging in the practice of dietetics~~ DIETETICS-NUTRITION;

~~(6) a person employed by or under contract with an agency of the state or federal government from discharging his official duty if he does not represent himself to the public as a dietitian or nutritionist;~~

~~(7) a person from marketing or distributing food products, including dietary supplements recognized by the United States food and drug administration, or from educating customers in the use of these products~~ FURNISHING GENERAL NUTRITIONAL INFORMATION, INCLUDING DISSEMINATION OF LITERATURE, AS TO THE USE OF FOOD, FOOD MATERIALS, OR DIETARY SUPPLEMENTS OR FROM ENGAGING IN THE EXPLANATION AS TO THE USE OF FOODS OR FOOD PRODUCTS, INCLUDING DIETARY SUPPLEMENTS, IN CONNECTION WITH THE MARKETING AND

1 DISTRIBUTION OF THOSE PRODUCTS if he does not represent
2 himself to the public as a ~~dietitian-or-a~~ nutritionist;

3 ~~†8†~~(7) a person from furnishing general nutrition
4 information or disseminating literature if he does not
5 represent himself to the public as a dietitian or a
6 nutritionist; or

7 ~~†9†~~(8) a person from fulfilling state or federal
8 regulations governing the delivery or provision of
9 nutritional health services to hospitals or long-term care
10 facilities if he does not represent himself to the public as
11 a ~~dietitian-or~~ a nutritionist.

12 NEW SECTION. Section 7. Representation to public as
13 ~~dietitian--or~~ nutritionist -- limitation on use of title. No
14 person may represent himself to the public by any title,
15 sign, or advertisement or description of services as a
16 ~~dietitian,--a~~ nutritionist~~7--a--licensed--dietitian7~~ or a
17 licensed nutritionist unless he has been licensed under
18 [this act] OR EXEMPTED FROM LICENSURE AS DEFINED IN SECTION
19 6†5† HAS MET THE REQUIREMENTS OF [SECTION 2(10)(B)].

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21 licensed to practice dietetics DIETETICS-NUTRITION in
22 another state with licensing requirements equivalent to or
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25 Montana.

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11 Section 12. Section 2-15-1841, MCA, is amended to
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13 "2-15-1841. Board of medical examiners. (1) There is a
14 Montana state board of medical examiners.

15 (2) The board consists of ~~nine~~ ten members appointed
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19 (3) The members are:

- 20 (a) five members having the degree of doctor of
- 21 medicine;
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- 23 osteopathy;
- 24 (c) one member who is a licensed podiatrist; and
- 25 (d) one member who is a registered-dietitian LICENSED

1 NUTRITIONIST; and

2 ~~(d)~~(e) two members of the general public who are not
3 medical practitioners.

4 (4) The members having the degree of doctor of
5 medicine may not be from the same county. Each member shall
6 be a citizen of the United States. Each member, except for
7 public members, shall have been licensed and shall have
8 practiced medicine or ~~dietetics~~ DIETETICS-NUTRITION in this
9 state for at least 5 years and shall have been a resident of
10 this state for at least 5 years, EXCEPT THAT FOR 5 YEARS
11 AFTER [THE EFFECTIVE DATE OF THIS ACT] THE NUMBER OF YEARS
12 OF LICENSURE REQUIRED FOR THE NUTRITIONIST MEMBER IS NO
13 GREATER THAN THE NUMBER OF YEARS THIS ACT HAS BEEN IN
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16 NUTRITIONIST may vote only on issues that affect the
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20 A member may, upon notice and hearing, be removed by the
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23 ~~(6)~~(7) The board is allocated to the department for
24 administrative purposes only as prescribed in 2-15-121."

25 NEW-SECTION--Section-13--Repealer-----Sections

HB 0471/04

1 ~~37-21-1017-37-21-2017-37-21-3017-37-21-3027--37-21-4057--and~~

2 ~~37-21-4067-MCA7-are-repealed.~~

~~-End-~~

STANDING COMMITTEE REPORT

hb471.scr

Page 2 of 2
HB 471

SENATE

HB471.SCR

March 11, 1987

March 11, 1987

MR. PRESIDENT

Public Health, Welfare, and Safety

We, your committee on.....

House Bill 471

having had under consideration..... No.

third blue reading copy (color)

PROVIDING FOR LICENSING AND REGULATION OF DIETITIANS AND NUTRITIONISTS

DARKO (ECK)

Respectfully report as follows: That..... House Bill..... No. 471.....

BE AMENDED AS FOLLOWS:

1. Page 2, line 4.
Following: "ACCREDITATION"
Strike: "OF"
Insert: "and"

2. Page 2, following line 22.
Insert: "(6) "General nutritional information" means information on:
(a) principles of good nutrition;
(b) foods to be included in a daily diet;
(c) the essential nutrients needed by the body;
(d) recommended amounts of these nutrients;
(e) the action of these nutrients on the body;
(f) the effects of deficiencies in these nutrients; or
(g) foods and supplements that are good sources of essential nutrients."
Renumber: subsequent subsections

3. Page 3, line 25
Following: "[THIS ACT];"
Insert: "or"

4. Page 4, lines 4 and 5.
Following: "UNIVERSITY"
Strike: "; OR" through "COMMISSION"

5. Page 5, lines 24 and 25.
Following: "he"
Strike: ": (a) "
Following: "COMMISSION"
Strike: "; or"
Insert: "."

6. Page 6, lines 1 through 17.
Strike: subsections (b) and (2) in their entirety
Renumber: subsequent subsection

7. Page 7, line 19.
Following: "institution or"
Strike: "a chartered"
Insert: "an accredited"

8. Page 7, line 22 through line 2 on page 8.
Strike: subsection (5) in its entirety
Renumber: subsequent subsections

9. Page 8, line 17.
Following: "public as a"
Strike: "dietician or a"

10. Page 11, line 25.
Following: "years"
Insert: ", except that for five years after the effective date of this act the number of years of licensure required for the nutritionist member is no greater than the number of years this act has been in effect."

XXXXXX

XXXXXXXXXX

3-12-87
10:52
MK

AND AS AMENDED,
BE CONCURRED IN

CONTINUED

Chairman

Quotley Eck
Senator Eck, Chairperson

COMMITTEE OF THE WHOLE AMENDMENT

3-13-87

SENATE

DATE

5:45

TIME

471

MR. CHAIRMAN: I MOVE TO AMEND House Bill No. _____

third

blue

reading copy (_____) as follows:
Color

1. Page 9, lines 8 and 9.

Following: " OR "

Strike: "EXEMPTED FROM LICENSURE AS DEFINED IN [SECTION 6(5)]"

Insert: "has met the requirements of [section 2(10)(b)]"

AB

ADOPT

REJECT

Senator Eck

CONFERENCE COMMITTEE REPORT Report No. 1

MARCH 27, 1987

MR. SPEAKER

We, your _____ FREE _____ Conference Committee on

HOUSE BILL 471

met and considered HOUSE BILL 471

Senate Committee on Public Health, Welfare and Safety amendments to the third reading copy, dated March 11, 1987, and

Senate Committee of the Whole amendment to the third reading copy, dated March 13, 1987.

We recommend as follows: that House Bill 471, reference copy, be amended as indicated in the instructions.

INSTRUCTIONS

1. Page 1.
Insert: "STATEMENT OF INTENT"

A statement of intent is required for this bill because section 10 requires the board of medical examiners to adopt rules that set professional, practice, and ethical standards for licensed nutritionists and such other rules as may be necessary for the administration of this act.

The legislature intends that the board adopt rules to protect the public health, safety, and welfare by regulating nutritional assessment and counseling and by protecting the title of nutritionist.

The legislature further intends to provide recourse in cases of misrepresentation or clear and direct harm in nutritional practice, recognizing as well that the public's constitutional freedoms and right to the pursuit of health must not be limited without good cause.

The legislature does not intend to prevent the sale of nutritional products, nor to prevent the exercise of responsible salesmanship in judging customers' needs and recommending products."

And that this Conference Committee report be adopted.

FOR THE SENATE

Donna Cook
Henry H. McLane
Thomas H. Keating

FOR THE HOUSE

Paula Clarke
Les Hindman
Theresa Jensen

ADOPT REJECT

1 STATEMENT OF INTENT

2 HOUSE BILL 471

3 Free Conference Committee

4

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21 responsible salesmanship in judging customers' needs and
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REFERENCE BILL: Includes Free
Conference Committee Report
Dated 3-27-87

HB 471

HOUSE BILL NO. 471

INTRODUCED BY DARKO, KITSELMAN, REGAN, BULGER, KEATING,
HANSEN, WINSLOW, MILLER, DRISCOLL, PECK, VAUGHN, PISTORIA,
MILES, NISBET, THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE
LICENSING AND REGULATION OF NUTRITIONISTS AND DIETITIANS BY
THE BOARD OF MEDICAL EXAMINERS; ADDING A DIETITIAN
NUTRITIONIST TO THE BOARD OF MEDICAL EXAMINERS; AMENDING
SECTION 2-15-1841, MCA, AND REPEALING SECTIONS 37-21-101,
37-21-201, 37-21-301, 37-21-302, 37-21-405, AND 37-21-406
MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Legislative finding and
purpose. The legislature finds and declares that the
practice of nutrition assessment, AND counseling, and
education affects the public health, safety, and welfare. It
is the purpose of [this act] to provide for the licensing
and regulation of nutritionists and dietitians in order to
protect the public health, safety, and welfare, and to
ensure that nutritional services of high quality are
available to the people of Montana, AND TO PROVIDE A MEANS
OF IDENTIFYING THOSE QUALIFIED TO PRACTICE NUTRITION.

NEW SECTION. Section 2. Definitions. In [this act],

UNLESS THE CONTEXT REQUIRES OTHERWISE, the following
definitions apply:

(1) "ACCREDITED" MEANS ACCREDITED THROUGH THE COUNCIL
ON POSTSECONDARY ACCREDITATION OF AND THE U.S. DEPARTMENT OF
EDUCATION.

(2) "Board" means the board of medical examiners.

(3) "Commission" means the commission on dietetic
registration, which is a member of the national commission
for health certifying agencies.

(4) "Department" means the department of health and
environmental sciences COMMERCE.

(5) "Dietetic DIETETIC-NUTRITION practice" or
"dietetics" "DIETETICS-NUTRITION" is the integration and
application of principles derived from the sciences of
nutrition, biochemistry, physiology, and food management and
from the behavioral and social sciences to achieve and
maintain health. The primary function of dietetic
DIETETIC-NUTRITION practice is to provide nutrition
assessment, AND nutrition counseling, and nutrition
education.

(6) "Licensed dietitian" means a registered dietitian
or a dietitian licensed under [this act].

(7) "GENERAL NUTRITIONAL INFORMATION" MEANS
INFORMATION ON:

(A) PRINCIPLES OF GOOD NUTRITION;

1 (B) FOODS TO BE INCLUDED IN A DAILY DIET;

2 (C) THE ESSENTIAL NUTRIENTS NEEDED BY THE BODY;

3 (D) RECOMMENDED AMOUNTS OF THESE NUTRIENTS;

4 (E) THE ACTION OF THESE NUTRIENTS ON THE BODY;

5 (F) THE EFFECTS OF DEFICIENCIES IN THESE NUTRIENTS; OR

6 (G) FOODS AND SUPPLEMENTS THAT ARE GOOD SOURCES OF
7 ESSENTIAL NUTRIENTS.

8 ~~(6)~~(7) "Licensed nutritionist" means a nutritionist
9 licensed under [this act].

10 ~~(7)~~(8) "Nutrition assessment" means the evaluation of
11 nutritional needs of individuals and groups based on
12 appropriate biochemical, anthropometric, physical, and
13 dietary data in order to determine nutrient needs and to
14 recommend appropriate nutritional intake, including both
15 enteral and parenteral nutrition.

16 ~~(8)~~(9) "Nutrition counseling" means providing
17 assistance and advice to individuals or groups in the
18 selection of food and other sources of nutrients to achieve
19 appropriate nutritional intake, based on:

20 (a) the nutrition assessment;

21 (b) the composition of food and other sources of
22 nutrients; and

23 (c) meal preparation consistent with cultural
24 background and socioeconomic status.

25 ~~(9)~~(10) "Nutrition education" means the communication

1 ~~of scientific food and nutrition information to individuals~~
2 ~~or groups, including but not limited to information on:~~

3 ~~(a) the most recent recommended dietary allowances~~
4 ~~issued by the food and nutrition board; the national~~
5 ~~research council; and the national academy of sciences;~~

6 ~~(b) food sources and meal preparation consistent with~~
7 ~~cultural background and socioeconomic status;~~

8 ~~(c) the preservation of nutrients; and~~

9 ~~(d) sanitation; "NUTRITIONIST" MEANS:~~

10 (A) A PERSON LICENSED UNDER [THIS ACT]; OR

11 (B) A PERSON WHO HAS SATISFACTORILY COMPLETED A
12 BACCALAUREATE AND MASTER'S OR A DOCTORAL DEGREE IN THE FIELD
13 OF DIETETICS, FOOD AND NUTRITION, OR PUBLIC HEALTH NUTRITION
14 CONFERRED BY AN ACCREDITED COLLEGE OR UNIVERSITY; OR

15 ~~(C) A PERSON REGISTERED BY THE COMMISSION.~~

16 ~~(10)~~(11) "Registered dietitian" means a person who was
17 IS registered by the commission, before ~~(the effective date~~
18 ~~of this act) and:~~

19 ~~(a) has been granted, prior to October 1, 1983, the~~
20 ~~right to use the term "registered dietitian" by an agency~~
21 ~~authorized by the department to establish academic,~~
22 ~~experience, and training qualifications for dietitians; or~~

23 ~~(b) has received a baccalaureate or higher degree in~~
24 ~~dietetics or a related field from a college or university~~
25 ~~accredited by the Northwestern Association of Schools and~~

1 colleges-and-has-satisfactorily-completed:

2 (i)--appropriate-academic-requirements-for-the-field-of

3 dietetics-and-related-disciplines;

4 (ii)--a-program-of-supervised-clinical--experience,--not

5 less--than--6--months--in--length,--that-is-designed-to-train

6 entry-level-dietitians-through-instruction--and--assignments

7 in-a-clinical-setting;

8 (iii)--an---examination---for---registered---dietitians

9 administered-by-an-agency-authorized-by--the--department--to

10 establish--academic,--experience,--and-training-qualifications

11 for-dietitians;--or

12 (iv)--such-continuing-education-requirements-as-may-from

13 time-to-time-be-established-by-an-agency-authorized--by--the

14 department--to--establish-academic,--experience,--and-training

15 qualifications-for-dietitians;

16 NEW SECTION. Section 3. Scope of dietetic

17 DIETETIC-NUTRITION practice. A-licensed ONLY A nutritionist

18 or-licensed-dietitian-provides CAN PROVIDE the following

19 services:

- 20 (1) assessing the nutrition needs of individuals and
- 21 groups and determining resources and constraints in the
- 22 practice setting;
- 23 (2) establishing priorities and objectives that meet
- 24 nutritive needs and are consistent with available resources
- 25 and constraints;

- 1 (3) providing nutrition counseling for any individual;
- 2 (4) developing, implementing, and managing nutrition
- 3 care systems; and
- 4 (5) evaluating, adjusting, and maintaining appropriate
- 5 standards of quality in food and nutrition services.

6 NEW SECTION. Section 4. Licensing requirements. (1)

7 An applicant for licensure as a dietitian-or-a LICENSED

8 nutritionist shall file a written application with the board

9 and demonstrate to the board that he-

- 10 (a) is a registered dietitian BY THE COMMISSION;--or,
- 11 (b)--(i)--has--a--baccalaureate-degree-from-a-regionally
- 12 AN accredited-college-or-university-in--the--United--States,
- 13 with--a--major--course-of-study-in-human-nutrition,--food-and
- 14 nutrition, OR dietetics,--or-food--systems--management--or--a
- 15 degree--from--a--college--or--university--outside-the-United
- 16 States-and--its--territories--that--has--been--validated--as
- 17 equivalent--to--a--baccalaureate-degree-from-a-regionally AN
- 18 accredited-college-or-university-in-the-United-States-with-a
- 19 major--course--of--study--in--human--nutrition,--Food--and
- 20 nutrition, OR dietetics,--or-food-systems-management, ANB

21 (ii)--has--completed--at--least--900-continuous-hours-of

22 supervised-preprofessional-experience-in-dietetic--practice;

23 and

24 (iii)--is-registered-by-the-commission;

25 (2)--An---applicant---who--meets--the--requirements--in

1 subsection--(1)(B) shall--complete--a--written--examination
 2 administered-by-the-commission-

3 (3)(2) An applicant shall pay an application fee, set
 4 by the board.

5 NEW SECTION. Section 5. Issuance of license --
 6 effective date. (1) Upon successful completion of the
 7 requirements in [section 4], an applicant must be issued a
 8 license attesting to the date and fact of licensure.

9 (2) The license is effective on the date of issuance
 10 and expires 1 year after that date.

11 NEW SECTION. Section 6. Exemptions from licensure
 12 requirements. [This act] does not prevent:

13 (1) a student or intern in an approved academic
 14 program or a paraprofessional with approved dietetic
 15 DIETETIC-NUTRITION training from engaging in the practice of
 16 dietetics DIETETICS-NUTRITION if a licensed dietitian
 17 NUTRITIONIST is available for direct supervision and if the
 18 student, intern, or paraprofessional does not represent
 19 himself to the public as a dietitian-or nutritionist;

20 (2) a licensed physician or nurse from engaging in the
 21 practice of dietetics DIETETICS-NUTRITION when it is
 22 incidental to the practice of his profession;

23 (3) a person licensed under any other law from
 24 engaging in the profession or business for which he is
 25 licensed if he does not represent himself to the public as a

1 dietitian-or nutritionist;

2 (4) an educator or advisor employed by a nonprofit
 3 agency acceptable to the board or by an accredited
 4 degree-granting institution or a--chartered AN ACCREDITED
 5 elementary or secondary school from engaging in an activity
 6 within the scope of his salaried position;

7 (5)--a--person--who--has--satisfactorily--completed--a
 8 baccalaureate-and-master's-or-a-doctoral-degree-in-the-field
 9 of--dietetics,--food--and--nutrition, OR public--health
 10 nutrition,--or--food--service--management--conferred--by--an
 11 accredited--college--or--university--from--engaging--in--the
 12 practice-of-dietetics DIETETICS-NUTRITION;

13 (6)(5) a person employed by or under contract with an
 14 agency of the state or federal government from discharging
 15 his official duty if he does not represent himself to the
 16 public as a dietitian-or nutritionist;

17 (7)(6) a person from marketing--or--distributing--food
 18 products,--including--dietary--supplements-recognized-by-the
 19 United--States--food--and--drug--administration,--or--from
 20 educating--customers-in-the-use-of-these-products FURNISHING
 21 GENERAL NUTRITIONAL INFORMATION, INCLUDING DISSEMINATION OF
 22 LITERATURE, AS TO THE USE OF FOOD, FOOD MATERIALS, OR
 23 DIETARY SUPPLEMENTS OR FROM ENGAGING IN THE EXPLANATION AS
 24 TO THE USE OF FOODS OR FOOD PRODUCTS, INCLUDING DIETARY
 25 SUPPLEMENTS, IN CONNECTION WITH THE MARKETING AND

1 DISTRIBUTION OF THOSE PRODUCTS if he does not represent
2 himself to the public as a ~~dietitian-or-a~~ nutritionist;

3 ~~{8}{7}~~ a person from furnishing general nutrition
4 information or disseminating literature if he does not
5 represent himself to the public as a dietitian or a
6 nutritionist; or

7 ~~{9}{8}~~ a person from fulfilling state or federal
8 regulations governing the delivery or provision of
9 nutritional health services to hospitals or long-term care
10 facilities if he does not represent himself to the public as
11 ~~a-dietitian-or~~ a nutritionist.

12 NEW SECTION. Section 7. Representation to public as
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21 medicine;

22 (b) one member having the degree of doctor of
23 osteopathy;

24 (c) one member who is a licensed podiatrist; and

25 (d) one member who is a registered-dietitian LICENSED

1 NUTRITIONIST; and

2 ~~(d)(e)~~ two members of the general public who are not
3 medical practitioners.

4 (4) The members having the degree of doctor of
5 medicine may not be from the same county. Each member shall
6 be a citizen of the United States. Each member, except for
7 public members, shall have been licensed and shall have
8 practiced medicine or dietetics DIETETICS-NUTRITION in this
9 state for at least 5 years and shall have been a resident of
10 this state for at least 5 years, EXCEPT THAT FOR 5 YEARS
11 AFTER [THE EFFECTIVE DATE OF THIS ACT] THE NUMBER OF YEARS
12 OF LICENSURE REQUIRED FOR THE NUTRITIONIST MEMBER IS NO
13 GREATER THAN THE NUMBER OF YEARS THIS ACT HAS BEEN IN
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